IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11972 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MESSRS LAXMI FILM STUDIO AND LABORATORY PVT LTD. - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MS KJ BRAHMBHATT for Petitioner(s) : 1,
MR AY KOGJE AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 17/01/2007

ORAL JUDGMENT

1. Ms.K.J. Brahmbhatt, learned counsel for the petitioner and Mr.A.Y. Kogje, learned Assistant Government Pleader for the respondents - State.

2. In the Affidavit of Mr.T.L. Chauhan, Competent Authority and Additional Collector (Co-ordination), Vadodara, it is clearly stated that the position on the date of coming into force of Repeal Act was that the possession of the excess land in question had not been taken over by the Government.
3. If this is the submission of the State, then, the proceedings against the petitioner, who continues tobe in possession of the property abated after coming into force of the Repeal Act.
4. All the orders passed by the revenue authorities are hereby quashed and set aside. The petition is allowed. Rule is made absolute. No costs.
5. Mr.A.Y. Kogje, learned Assistant Government Pleader, however, submits that some liberty may be reserved in favour of the State Government to make an application for revival of the proceedings, in case, the statement made my Mr.T.L. Chauhan is found to be incorrect or contrary to the records. It is accordingly ordered.

(R.S. GARG, J.)

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